

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

File No.: _____

SAMANTHA G. HIGH,

Plaintiff,

v.

YOUNG & POLITE-YOUNG, DDS, P.A.,
Defendants.

**NOTICE OF REMOVAL BY
DEFENDANT**

TO: U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA; SUPERIOR COURT OF MECKLENBURG COUNTY, NORTH CAROLINA; AND ALL PARTIES AND ATTORNEYS OF RECORD:

Defendant Young & Polite-Young, DDS, P.A., by its attorneys and pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, hereby provides notice of the removal of the state court action described below to the U.S. District Court for the Western District of North Carolina. In support of this Notice of Removal, Defendant states as follows:

PLAINTIFF'S COMPLAINT

1. On November 13, 2020, Plaintiff commenced this case in the Superior Court of Mecklenburg County, North Carolina, currently pending as Case No. 20CVS15257.
2. Plaintiff's First Claim for Relief is Sex/Pregnancy Discrimination in violation of Title VII, 42 U.S.C. § 2000e(k).

3. Defendant received same via certified mail, return receipt requested, on November 18, 2020. True and correct copies of all process and pleadings filed in state court and served upon Defendant are attached hereto as **Exhibit A**.

GROUND FOR REMOVAL

(Federal Question and Supplemental Jurisdiction)

4. Pursuant to 28 U.S.C. § 1331, this Court has original federal jurisdiction over this civil action because Plaintiff's claims arise under federal law—specifically, Title VII and 42 U.S.C. § 2000e(k).

5. Pursuant to 28 U.S.C. § 1441(a), this civil action may be removed to this Court as a matter filed in state court over which this Court has original jurisdiction.

PROCEDURAL REQUIREMENTS FOR REMOVAL

7. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely-filed within thirty (30) days after Plaintiff served the Summons and Complaint on Defendant.

8. Pursuant to 28 U.S.C. § 1446(a), the documents attached hereto as Exhibit A constitute a copy of all process, pleadings, and orders served upon Defendant in this action.

9. Pursuant to 28 U.S.C. § 1446(d), Defendant is serving a copy of this Notice of Removal upon Plaintiff's counsel and will promptly file a copy of this Notice of Removal with the Clerk of Court of the Superior Court of Mecklenburg County.

10. Pursuant to 28 U.S.C. § 1446(a), venue is proper in this Court and division. This case was pending in the Mecklenburg County Superior Court within this federal

district, and Defendant does business in this Division, where the alleged acts or omissions giving rise to Plaintiff's Complaint occurred.

11. Defendant has neither appeared nor attempted to litigate this case in state court and has not taken any action that could be construed as a waiver of its right to removal.

12. Pursuant to Fed. R. Civ. P. 81(c), Defendant will file responsive pleading(s) to Plaintiff's Complaint within seven days after this Notice of Removal is filed. By filing this Notice of Removal with this Court, Defendant expressly preserves and does not waive any available defenses to the claims and allegations set forth in Plaintiff's Complaint, including, without limitation, all defenses available to Defendant pursuant to Fed. R. Civ. P. 12.

13. In the event any dispute or question arises as to the propriety of removal of this action, Defendant reserves the right to amend or supplement this Notice of Removal to cure any alleged technical defects identified herein, including, without limitation, submission of briefs, declarations, or other evidence in support of the propriety of removal.

14. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is submitted by the undersigned counsel for Defendant pursuant to Fed. R. Civ. P. 11.

WHEREFORE, Defendant Young & Polite-Young, DDS, P.A. respectfully removes this case from the Superior Court of Mecklenburg to this Court for trial and determination.

This the 16th day of December, 2020.



Bridget A. Blinn-Spears
NC Bar No. 43636
Nexsen Pruet, PLLC
4141 Parklake Ave, Suite 200
Raleigh, North Carolina 27609
Telephone: 919.678.7593
Fax: 919.890.4547
bblinn-spears@nexsenpruet.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing "NOTICE OF REMOVAL" has been served this day by US first class mail upon the following:

Jenny L. Sharpe
J SHARPE, PLLC
15720 Brixham Hill Avenue
Suite 300
Charlotte, NC 28277

This the 16th day of December, 2020.



Bridget A. Blinn-Spears